

Application No. 09/438,247
Amendment dated January 31, 2007
Reply to Office Action of November 1, 2006

REMARKS

Status Of Application

Claims 1-3 and 5-16 are pending in the application; the status of the claims is as follows:

Claims 1-3 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,692,210 to Mita et al. (“Mita”), and further in view of U.S. Patent No. 6,185,629 B1 to Simpson et al. (“Simpson”).

Claims 6-16 are allowed. Please note that claims 14-16 have been rewritten in independent form.

35 U.S.C. § 103(a) Rejection

The rejection of claims 1-3 and 5 under 35 U.S.C. § 103(a), as being unpatentable over Mita, and further in view of Simpson, is respectfully traversed based on the following.

In the Office Action, it was noted that claim 4 would be allowable if rewritten in independent form (page 4, item 5). Claim 4 was dependent upon claim 1. Claim 1 has been amended to include the limitations of claim 4 and claim 4 has been canceled. Therefore, claim 1 is now claim 4 rewritten in independent form. Applicants respectfully submit that claim 1 as amended is allowable. Claims 2, 3 and 5 are dependent upon claim 1, and thus include all of the limitations of claim 1. Therefore, claims 2, 3 and 5 are also allowable.

Accordingly, it is respectfully requested that the rejection of claims 1-3 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Mita, and further in view of Simpson be reconsidered and withdrawn

Application No. 09/438,247
Amendment dated January 31, 2007
Reply to Office Action of November 1, 2006

CONCLUSION

Wherefore, in view of the foregoing remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment increases the number of independent claims by 3 from 4 to 7, but does not increase the total number of claims and does not present any multiple dependency claims. Accordingly, a Response Transmittal and Fee Authorization form authorizing the amount of \$600.00 to be charged to Sidley Austin LLP Deposit Account No. 18-1260 is enclosed herewith in duplicate. However, if the Response Transmittal and Fee Authorization form is missing, insufficient, or otherwise inadequate, or if a fee, other than the issue fee, is required during the pendency of this application, please charge such fee to Sidley Austin LLP Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,

Application No. 09/438,247
Amendment dated January 31, 2007
Reply to Office Action of November 1, 2006

and not submitted herewith should be charged to Sidley Austin LLP Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

By: _____



Douglas A. Sorensen
Registration No. 31,570
Attorney for Applicants

DAS/lb:bar
SIDLEY AUSTIN LLP
717 N. Harwood, Suite 3400
Dallas, Texas 75201
Direct: (214) 981-3482
Main: (214) 981-3300
Facsimile: (214) 981-3400
January 31, 2007